

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARL ZEISS INDUSTRIAL, LLC,

Plaintiff,

-v-

OAKLAND AUTOMATION, LLC,

Defendant.

23 Civ. 5169 (PAE)

ORDER TO SHOW CAUSE

PAUL A. ENGELMAYER, District Judge:

On October 10, 2023, plaintiff Carl Zeiss Industrial filed a declaration of Scott M. Danner and a proposed certificate of default, indicating that it sought a default judgment against defendant for failing to respond to the complaint in a timely manner. Dkts. 10,11. On October 16, 2023, plaintiff's counsel filed a letter to the Court explaining how its service of process complied with the Federal Rules of Civil Procedure. Dkt. 13. In that letter, plaintiff's counsel explained that it was waiting to file a motion for default judgment, which is required by this Court's Individual Rules and Practices in Civil Cases (Section 3.M), until after the Clerk of the Court entered a certificate of default. On October 18, 2023, the Clerk of Court entered a certificate of default. Dkt. 15. Plaintiff has yet to submit a motion for default judgment with the accompanying documents pursuant to the Court's Individual Rules. It is hereby ORDERED that plaintiff show cause by December 12, 2023 why the above-captioned cause should not be dismissed for failure to prosecute, pursuant to Rule 41 of the Federal Rules of Civil Procedure. Plaintiff may show cause by properly submitting a motion for default judgment, pursuant to the Court's Individual Rules. Failure to submit a timely and proper motion for default judgment will result in dismissal without prejudice of this case under Rule 41.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer". The signature is written in dark ink and is positioned above a horizontal line.

PAUL A. ENGELMAYER  
United States District Judge

Dated: November 28, 2023  
New York, New York